

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

ROSEMARY GOINS,	:	Case No. 1:19-cv-390
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	Magistrate Judge Stephanie K. Bowman
vs.	:	
	:	
BURLINGTON COAT FACTORY,	:	
	:	
Defendant.	:	

**DECISION AND ENTRY  
ADOPTING THE REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 15) AND  
TERMINATING THIS CASE IN THIS COURT**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on February 25, 2020, submitted a Report and Recommendation. (Doc. 15). Plaintiff Rosemary Goins filed timely objections on March 10, 2020. (Doc. 16). Defendant Burlington Coat Factory filed a response to Plaintiff's objections on March 16, 2020. (Doc. 17).

Plaintiff's objections are not well-taken. The Report and Recommendation correctly finds that Plaintiff failed to achieve timely service on Defendant and that the Complaint (Doc. 3) fails to state any claim upon which relief can be granted. (Doc. 15 at 2–4). Plaintiff, in her objections, does not identify any errors in the Report and Recommendation's analysis, but simply disagrees with the Magistrate Judge's finding that the case should be dismissed. (Doc. 16 at 1). The Court agrees with the Magistrate

Judge's analysis and recommendation that this case be dismissed.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that Plaintiff's objections (Doc. 16) should be and are hereby **OVERRULED**, and the Court does determine that the Report and Recommendation (Doc. 15) should be and is hereby **ADOPTED** in its entirety.

Accordingly, for the reasons stated above:

- 1) Plaintiff's motion for default judgment (Doc. 11) is **DENIED**.
- 2) Pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1), Plaintiff's complaint (Doc. 3) is **DISMISSED without prejudice** for a failure to achieve timely service and failure to state any claim as a matter of law.
- 3) The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this Order would not be taken in good faith and therefore Plaintiff is denied leave to appeal *in forma pauperis* in the Court of Appeals.
- 4) The Clerk shall enter judgment accordingly, whereupon this case is **TERMINATED** from the docket of this Court.

**IT IS SO ORDERED.**

Date: 8/28/2020

/s/ Timothy S. Black  
Timothy S. Black  
United States District Judge